

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
FILING UNDER 35 U.S.C. § 371

In re Patent Application of:)
John Fuller)
Application No.: 10/566,114)
Filed: January 24, 2006)
For: HYDRAULIC VARIATOR)
CONTROL ARRANGEMENT)

)

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**PETITION TO WITHDRAW HOLDING OF
ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION**

Dear Sir:

This is a petition to withdraw the holding of abandonment pursuant to a Notice of Abandonment dated March 12, 2007. Applicant believes the Notice of Abandonment was mailed in error according to the facts listed below and the attached documents.

1. Applicant filed the above-referenced National Phase application on January 24, 2006, and received the return receipt postcard from the U.S. Patent Office on February 9, 2006, stamped with the serial number and dated January 24, 2006 (copy attached hereto as Exhibit A).

2. Applicant has made a diligent search of the file jacket and docketing systems, and there is no record of receiving any other papers from the U.S. Patent Office

subsequent to the return receipt postcard, and did not receive the pertinent Notification of Missing Requirements.

3. Applicant then received a Notice of Abandonment for Serial No. 10/566,114 which was mailed from the U.S. Patent Office on March 12, 2007. The Notice indicated that Serial No. 10/566,114 was abandoned for failure to respond to the Notification of Missing Requirements in a timely manner.

4. Applicant submitted a first Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action on May 16, 2007, and a Decision dismissing the same was issued on July 16, 2007.

5. As further support for Applicant's petition and in response to Item 3 noted in the Decision, Applicant has attached hereto as Exhibit B a copy of the complete docketing program record for this matter pursuant to MPEP § 711.03(c)(I)(a), which shows that no documents were received from the U.S. Patent Office between the time of filing the application and the receipt of the Notice of Abandonment. There are no USPTO docketing entries for the period from the initial filing date of January 24, 2006 to the docket report ending date of August 23, 2007, and Applicant therefore believes that no Notification of Missing Requirements was received or docketed for this application.

6. As the application was filed under National Phase status, Applicant is unable to access and view the application record under PAIR, and is therefore unable to procure a replacement copy of the Notification of Missing Requirements. Applicant prepared and enclosed with Applicant's prior petition a Response to Notification of Missing Requirements including the Declaration and Power of Attorney for this matter, and asks that the response be filed in lieu of receipt of the Notification of Missing

Requirements. Applicant has authorized charging Deposit Account 02-2666 in the amount of \$130.00 as payment for the late filing surcharge pursuant to 37 C.F.R. § 1.16(e), and any other fees required with respect thereto.

Applicant petitions the U.S. Patent Office to rescind the Notice of Abandonment based on non-receipt of the Notification of Missing Requirements. Applicant believes the Notice of Abandonment was sent in error and respectfully petitions that this notice be rescinded and that confirmation of the rescindment be mailed to Applicant. Pursuant to the Decision on Petition dated July 16, 2007, Applicant has already satisfied Items 1 and 2 as described therein, and believes that Item 3 has been satisfactorily addressed herein.

Applicant also requests that the previously submitted Response to Notification of Missing Requirements be filed, that confirmation in the form of a Filing Receipt and Notice of Acceptance of Application be mailed to Applicant, and that prosecution of this application be allowed to go forward.

Applicant hereby authorizes charging Deposit Account 02-2666 for petition fees required under Rule §1.182, and any other fees required for the petitions named herein.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Dated: September 14, 2007

/ Stephen M. De Klerk /
Stephen M. De Klerk
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Docket for 007101.P006

Prepared 8/23/2007

Date	Atty	Client.Matter	Client Name	Country	Pat/Ser/Reg	Description
4/24/2006	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>3 month deadline to file prior art disclosure and check related cases (based on filed US application).</i>
<i>Please clear per SMD. SMD/ljh 5/26/06</i>						
7/24/2006	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>F/F letter</i>
<i>2/10/2006 - per Linda Brost's email, no foreign filing required (sv)</i>						
10/24/2006	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>3 months remaining to F/F deadline, if translations are required, deadline is 12/24/2006</i>
<i>2/10/2006 - per Linda Brost's email, no foreign filing required (sv)</i>						
12/24/2006	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>1 month remaining to F/F deadline, if translations are required, documents must be sent to foreign associate today</i>
<i>2/10/2006 - per Linda Brost's email, no foreign filing required (sv)</i>						
1/23/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>F/F priority deadline (hard deadline is 1/24/2007)</i>

Docket for 007101.P006

Prepared 8/23/2007

Date	Atty	Client.Matter	Client Name	Country	Pat/Ser/Reg	Description
5/12/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Reminder: Deadline to revive abandoned application is 6/12/2007</i>
<i>Petition for Withdrawal of Abandonment filed on 5/16/07. [lkb - 5/16/07]</i>						
5/12/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Response due; Notice of Abandonment received for failure to: respond to notification of missing requirements</i>
<i>Petition for Withdrawal of Abandonment filed on 5/16/07. [lkb - 5/16/07]</i>						
6/12/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Deadline to revive abandoned application</i>
<i>Petition for Withdrawal of Abandonment filed on 5/16/07. [lkb - 5/16/07]</i>						
7/24/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Watch for first office action</i>
<i>Please "unclear" this listing; application is pending. [lkb - 5/16/07]</i>						
7/24/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Application filed 18 months ago, no office action received. Send status request to PTO.</i>
<i>Please "unclear" this listing; application is pending. [lkb - 5/16/07]</i>						
8/16/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Deadline to file request for reconsideration</i>
11/16/2007	SMD	7101.P006	Torotrak (Development) Limited		566114	<i>Watch for - decision on petition for revival</i>